

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and

Case 10-CA-120885

NATIONAL ASSOCIATION OF LETTER  
CARRIERS BRANCH 4862

**DECISION AND ORDER**

**Statement of the Case**

On July 16, 2014, the United States Postal Service (the Respondent), the National Association of Letter Carriers Branch 4862 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation. <sup>1</sup>

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<sup>1</sup> Member Hirozawa notes that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

### **Findings of Fact**

#### **1. The Respondent's business**

The Respondent is and has been, at all material times, an independent establishment of the Executive Branch of the Government of the United States, and operates various facilities throughout the United States in the performance of its basic function to provide postal services to the Nation, including the Main Postal facilities, the Carrier Annex (Roswell Annex) and postal stores located in Roswell, Georgia (collectively, the Roswell, Georgia facilities).

The Respondent is now and has been at all material times an entity subject to the Board's jurisdiction by virtue of Section 1209 of the Postal Reorganization Act, 39 U.S.C. Section 101 et seq. (PRA).

#### **2. The labor organization involved**

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

### **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Roswell, Georgia, its officers, agents, successors, and assigns shall:

#### **1. Cease and desist from**

(a) Refusing to bargain collectively and in good faith with the National Association of Letter Carriers Branch 4862 (the Union) as the exclusive bargaining representative of its employees in an appropriate unit by unduly delaying in furnishing information to the Union, that is relevant and necessary to the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit employees in the following unit:

Employees set forth in Article 1 of the current National Agreement between the Respondent and the Union, including employees employed by Respondent at the Roswell, Georgia facilities.

(b) In any other like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) On request, provide the Union with necessary and relevant information in a timely and appropriate manner.

(b) Each information request tendered by the Union, orally or in writing, shall be recorded in a log at Respondent's Roswell, Georgia facilities. The log shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the supervisor who received the request; the date the request was made; and the date that Respondent's manager or supervisor provided the Union with the requested information.

If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform the Union in writing, requesting additional time and explaining the need for the additional time.

(c) Each manager and supervisor who is designated to receive union requests for information at the Respondent's Roswell, Georgia facilities will receive annual training which encompasses how to maintain the log, and how to tender the relevant information requested by the Union; each such supervisor and manager will sign an acknowledgment form attesting to the fact that he or she has completed said training. A copy of this acknowledgement form shall be maintained in the supervisor's or manager's training and history files. Union stewards will be granted access to the log, on request. Supervisors or managers who fail to reasonably supply relevant information to the Union will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of said supervisor or manager.

(d) Union stewards must be notified when the manager or supervisor who is designated to receive Union requests for information at Respondent's Roswell, Georgia facilities has changed.

(e) The Respondent's legal department or its labor relations department shall conduct semi-annual audits of the logs at the Respondent's Roswell, Georgia facilities to ensure that the information requested by the Union is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(f) Within 14 days of service by the Region, post at its Roswell, Georgia facilities, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by Respondent's authorized representative, shall be posted by Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. Copies shall also be sent to the Respondent's supervisors at its Roswell, Georgia facilities. In addition to physical posting of paper notices, Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since June 2013.

(g) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The Regional Director shall be supplied a copy of the documents signed by the district manager of labor relations, attesting to the dates that the notices were received at each facility, and the dates that the notices were posted.

Dated, Washington, D.C., September 12, 2014.

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Phillip A. Miscimarra, Member

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Kent Y. Hirozawa, Member

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Harry I. Johnson, III, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

## **APPENDIX**

### **NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD**

**An Agency of the United States Government**

#### **PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS**

##### **FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join or assist a union
- Choose representatives to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities

**WE WILL NOT** unduly delay furnishing information requested by the National Association of Letter Carriers Branch 4862 that is necessary for and relevant to the Union's performance of its duties as the exclusive collective bargaining representative of the following appropriate bargaining unit:

Employees set forth in Article 1 of the current National Agreement between the Respondent and the Union, including employees employed by Respondent at the Roswell, Georgia facilities.

**WE WILL NOT** in any other like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

**WE WILL**, upon request, provide the Union with necessary and relevant information in a timely and appropriate manner.

**WE WILL** record, orally or in writing, each information request tendered by the Union in a log at Respondent's Roswell, Georgia facilities. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform the Union in writing, requesting additional time and explaining the need for the additional time.

**WE WILL** conduct annual training with each manager or supervisor, designated to receive union requests for information at Respondent's Roswell, Georgia facilities, on how to maintain the log and how to tender the relevant information requested by the Union.

**WE WILL** notify union stewards when the manager or supervisor who is designated to receive union requests for information at Respondent's Roswell, Georgia facilities has changed.

**WE WILL** conduct, through Respondent's legal department or its labor relations department, semi-annual audits of the logs at Respondent's Roswell, Georgia facilities to ensure that the information requested by the Union is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

#### **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlrb.gov/case/10-CA-120885](http://www.nlrb.gov/case/10-CA-120885) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

